

1 ALLEN RUBY (SBN 47109)
2 RAOUL D. KENNEDY (SBN 40892)
3 JAMES P. SCHAEFER (SBN 250417)
4 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
5 525 University Avenue, Suite 1400
6 Palo Alto, CA 94301
7 Telephone: (650) 470-4500
8 Facsimile: (650) 470-4570
9 allen.ruby@skadden.com
10 raoul.kennedy@skadden.com
11 james.schaefer@skadden.com

12 Attorneys for Plaintiff/Defendant
13 INTUITIVE SURGICAL, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 ILLINOIS UNION INSURANCE COMPANY, an) CASE NO.: 3:13-CV-04863-JST (JCS)
13 Illinois corporation,)
14 Plaintiff,) **JOINT STIPULATION RE:**
15 v.) **DEADLINE TO PRODUCE**
16 INTUITIVE SURGICAL, INC., a Delaware) **EVIDENCE TO SUPPORT BRANDT**
17 corporation,) **FEES; AND**
18 Defendant.) **[PROPOSED] ORDER**
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20 INTUITIVE SURGICAL, INC.,) Complaint Filed: October 21, 2013
21 Plaintiff,) Judge: Honorable Jon S. Tigar
22 v.) Trial Date: June 19, 2017
23 ILLINOIS UNION INSURANCE COMPANY;) CASE NO. 3:15-cv-04834-JST (JCS)
24 NAVIGATORS SPECIALTY INSURANCE CO.,) Complaint Filed: October 20, 2015
25 Defendants.)

1 Intuitive Surgical, Inc. (“Intuitive”) and Illinois Union Insurance Company (“Illinois Union”)
2 jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend the current deadline
3 for fact discovery, with respect to the production of documents relating to *Brandt* fees only, until
4 May 19, 2017 (30 days before trial).

5 WHEREAS, Intuitive is seeking *Brandt* fees in connection with its implied covenant of good
6 faith and fair dealing claim against Illinois Union (*see Brandt v. Superior Court*, 37 Cal. 3d 813
7 (1985));

8 WHEREAS, as currently scheduled, the deadline for all fact discovery is November 10, 2016
9 (Dkt. 186);

10 WHEREAS, as currently scheduled, a jury trial is set for June 19, 2017 (Dkt. 186);

11 WHEREAS, the parties have met and conferred, and agree that to the extent that Intuitive
12 produces any evidence supporting *Brandt* fees, including legal bills, invoices, or receipts, such
13 evidence need not be produced until May 19, 2017 (30 days before trial);

14 NOW THEREFORE, the parties, through the undersigned counsel, hereby stipulate with
15 respect to the deadlines previously imposed in Case No. 3:13-cv-04863-JST:

- that the November 10, 2016 deadline for fact discovery be extended until May 19, 2017 (30 days before trial) solely for the production of evidence supporting *Brandt* fees.

19 The parties' proposed time modifications would impact the deadlines in Case Nos. 3:13-cv-
20 04863-JST as follows:

Event	Current Schedule	New Schedule
Fact Discovery Cut-Off	11/10/2016	11/10/2016 (Except for <i>Brandt</i> Fees Evidence)
Deadline to Produce Evidence Supporting <i>Brandt</i> Fees	N/A	5/19/2017

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1 DATED: October 25, 2016

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

3 By: /s/ James P. Schaefer
4 Attorneys for Plaintiff/Defendant
5 INTUITIVE SURGICAL, INC.

6 DATED: October 25, 2016

COZEN O'CONNOR

7 By: /s/ Charles E. Wheeler
8 Attorneys for Defendants
9 ILLINOIS UNION INSURANCE COMPANY

10 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this
11 document has been obtained from the signatories above.

12 /s/ James P. Schaefer
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1 **[PROPOSED] ORDER**

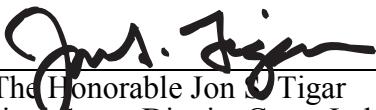
2 **PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS**
3 **ORDERED THAT:**

4 The prior deadlines in Case No. 3:13-cv-04863-JST are amended as follows:

5 Event	6 Current Schedule	7 New Schedule
8 Fact Discovery Cut-Off	9 11/10/2016	10 11/10/2016 (Except for <i>Brandt</i> Fees Evidence)
11 Deadline to Produce Evidence Supporting <i>Brandt</i> Fees	12 N/A	13 5/19/2017

14 DATED: October 26, 2016

15 By: _____

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17 The Honorable Jon S. Tigar
18 United States District Court Judge

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